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13 Attorneys for Plaintiffs

14 THE UNITED STATES DISTRICT COURT  
15 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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**FILED**  
AUG 08 2008  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

1 K.D., by his guardian ad litem, J.B., on behalf )  
 2 of himself and all others similarly situated and )  
 3 J.B. as a parent of a child with disabilities on )  
 4 behalf of herself and all other parents of )  
 5 children with disabilities in the Oakley Union )  
 6 Elementary School District who are similarly )  
 7 situated;

8 Plaintiffs,

9 v.

10 OAKLEY UNION ELEMENTARY SCHOOL )  
 11 DISTRICT; RICHARD ROGERS, in his )  
 12 official capacity as Superintendent; )  
 13 MARYANN HUSSEY, in her official capacity )  
 14 as Director of Student Services and in her )  
 15 individual capacity; SCOTT SCHWARTZ, in )  
 16 his official capacity as School Psychologist; )  
 17 GREG HETRICK, in his official capacity as )  
 18 Principal of Delta Vista Middle School; and )  
 19 the BOARD OF TRUSTEES OF THE )  
 20 OAKLEY UNION ELEMENTARY SCHOOL )  
 21 DISTRICT, MARK JORDAN, KAREN )  
 22 BERGENHOLTZ, RON KRANTINA, KIM )  
 23 SOLARSKI, and LAURI WINTERS in their )  
 24 official capacities;

25 Defendants.

Case No. C07-00920 MHP

~~Proposed~~ ORDER GRANTING  
 PLAINTIFFS' MOTION FOR  
 ADMINISTRATIVE RELIEF: REQUEST  
 FOR JUDICIAL NOTICE OF  
 CALIFORNIA DEPARTMENT OF  
 EDUCATION (CDE) RULING RE: (a)  
 FINDING DEFENDANT OAKLEY  
 UNION ELEMENTARY SCHOOL  
 DISTRICT IN VIOLATION OF STATE  
 AND FEDERAL LAWS, AND (b)  
 REQUIRING IMMEDIATE  
 CORRECTIVE ACTION; AND  
 PLAINTIFFS' REQUEST FOR A CASE  
 MANAGEMENT CONFERENCE IN  
 LIGHT OF CDE ORDER.

Trial Date: NONE

18 Having considered Plaintiffs' Motion For Administrative Relief: Request For Judicial  
 19 Notice of California Department Of Education Ruling Re: (A) Finding Defendant Oakley Union  
 20 Elementary School District In Violation Of State And Federal Laws, And (B) Requiring  
 21 Immediate Corrective Action; and Plaintiffs' Request For A Case Management Conference In  
 22 Light Of CDE Order; and Defendants' Opposition thereto, the Court Orders as follows:

23 Plaintiffs' Motion for Administrative Relief is GRANTED.

24 This Court takes Judicial Notice of the California Department of Education (CDE)  
 25 Compliance Report.

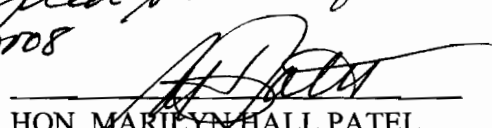
26 The Court also orders that, in light of the CDE Compliance Report, a Case Management  
 27 Conference shall occur on August 18, 2008, at 3:00 p.m.

28 The following matters will be considered by the Court:

- 1 (1) Whether it is necessary to proceed with Phase I (appeal) of trial, given that CDE has  
2 ordered Defendant District to provide to Plaintiffs K.D. and J.B. nearly all of the relief  
3 requested in Phase I of trial, including two years of compensatory education,  
4 reimbursement of out-of pocket costs, assessment in the areas requested by Plaintiffs, and  
5 convening of an IEP to implement the CDE order by September 15, 2008;
- 6 (2) Whether the case may proceed to Phase II (class claims) of trial, including an immediate  
7 lifting of the stay of discovery; and
- 8 (3) Whether the parties should be referred to Magistrate Judge Spero for settlement  
9 discussions, in light of the CDE decision and order.

10 IT IS SO ORDERED.

11 Dated: 8/8/08 August 14, 2008

12   
13 HON. MARILEYN HALL PATEL  
14 U.S. District Court of the Northern District  
15 of California  
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